

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 98 OF 2018
WITH
CRIMINAL BAIL APPLICATION NO. 99 OF 2018***

Sunil Harishchandra Mhatre

Applicant

Versus

The State of Maharashtra

Respondent

Mr.M.S.Mohite i/b. Mr. Santosh S. Musale, for the applicant.

Mr.Y.M.Nakhwa,APP, for the State in BA/98/2018.

Mr. S.R.Agarkar, APP, for the State in BA/99/2018.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 15th February, 2018.

P.C. :

1. Heard. These are the applications under Section 439 of Cr.P.C.

The applicant herein is arrested in Crime Nos.105 of 2017 & 106 of 2017 registered at Kalamboli Police Station, Panvel, Dist. Raigad for the offences punishable under Sections 420, 465, 467, 468, 470, 471, 474, 120B of the Indian Penal Code.

2. It is the case of the prosecution that on 30.1.2017, one Mr. Vijay Dongre filed a report to the Commissioner of Police alleging therein that in the year 2015, he was constructing a hospital on plot No.10, Sector

No.16, at Kalamboli. He used to visit the site. He had met one Raju Birju. Dr. Vijay Dongre had shown his interest to purchase plot No.45. Accordingly, he was introduced to one Narayan Thakur and Ananta Thakur, Nilesh Mhatre and Sunil Mhatre. That they had shown plot No.45. He was shown a sale deed dated 15.12.2015, which was allegedly executed between the farmer and Nilesh Mhatre, the lease agreement and other documents in order to enable them to purchase the said plot. Vijay Dongre along with Sanjay Kadam had decided to purchase the plot. The amount of consideration was settled at Rs.5 crore. A tripartite agreement was to be executed and Rs.5 crore were to be paid to the farmer. They had parted an amount of Rs.82,77,514/-. In the meanwhile, Dr. Dongre made enquiries with the office of CIDCO and he was informed that the said plot is not allotted to any farmer by CIDCO. There was an enquiry and then in the course of enquiry it had transpired that Dr. Vijay Dongre was cheated by the applicant and his associates by forging and fabricating papers and documents. Hence, after completion of the investigation, offence is registered against the present applicant and others.

3. The learned counsel for the applicant vehemently submits that in respect of the same transaction, two offences are registered i.e.

C.R.No.105/2017 and 106/2017. The same cannot be considered for the purpose of deciding the application under Section 439 of Cr.P.C.

4. The learned APP submits that the applicant is the habitual offender. There are already 3 cases registered against the applicant for similar offence. That while considering the application before the Sessions Court, the applicant had offered to pay Rs.5 lakhs. As on today also, the applicant has made a similar offer. The same cannot be considered as the applicant happens to be a habitual offender. The modus operandi of the applicant and his associate is to forge and fabricate official documents and cheat. They show a bogus plot and offer them for sale and thereafter create documents to that effect. The material collected in the course of investigation shows that the plots were allotted to agriculturists. They had forged the signatures of the officers of CIDCO. They had induced gullible purchasers of plot and had extracted huge amounts from them.

5. Upon perusal of the papers of investigation, this Court is of the opinion that the applicant does not deserve to be enlarged on bail. The applications being sans merits, stand rejected.

(SMT. SADHANA S.JADHAV, J.)